



# City of Carmel

## **CARMEL PLAN COMMISSION SPECIAL STUDIES COMMITTEE THURSDAY, MAY 4, 2006**

### **Minutes**

The Special Studies Committee of the Carmel Plan Commission met at 6:00 PM in the Council Chambers at City Hall, Carmel, Indiana. Members present: Leo Dierckman, Steve Stromquist, Jerry Chomanczuk as ex-officio, thereby establishing a quorum.

The Department of Community Services was represented by Mike Hollibaugh, Director; Matt Griffin and Christine Holmes, City Planners; John Molitor, Legal Counsel.

### **The Special Studies Committee considered the following items:**

#### **1. Docket No: 05120025 Z 126<sup>th</sup> & Keystone/Gramercy PUD**

The applicant seeks to rezone 116 acres from R2/Residential and R4/Residential to PUD/Planned Unit Development for the purpose of creating a mixed use development comprised of townhouse, apartment, retail, and office uses.

The site is located between Carmel Drive, 126<sup>th</sup> Street, Keystone Ave, and Auman Dr. Filed by James Shinaver of Nelson & Frankenberger for Buckingham Properties Inc.

Present for Petitioner: Jim Shinaver, attorney; David Leazenby, Sara Nasuti, and Brad Chambers; Buckingham Properties; Steve Fehribach, A & F Engineering.

The Committee continued its review of the proposed PUD Ordinance.

Use List: Sara Nasuit distributed an up-dated version of the PUD with the exclusion of those things that have been eliminated by the Committee to-date.

David Leazenby said he had discovered a use that was never on the list and of course, not included last week—helicopter pad—and did not want to eliminate it altogether from the core area.

Leo Dierckman noted that a helicopter pad would come under Special Use and any request for approval would have to go through the Board of Zoning Appeals.

Leo said he had additional feedback from some of the neighbors after the last meeting and it was determined that the 35-foot maximum height would have to be extended to a greater width than the first block; in other words, it cannot be just one row of homes, it must be at least two rows of homes. Next door, across the street, the setback is 15 feet and the two-story is going to be important. The orange area needs to be twice as wide, including the first two rows—the entire first block. With that intensity, the height would be better at a greater distance. Leo asked that the petitioner give this some thought—it would definitely be a step in the right direction.

Use Area A and the height restriction will have to go all the way to Keystone. At some point, if you came up with an extremely novel design, you could always come back to the BZA and ask for a variance. Sitting here today, there is not enough information on the table for plans at 126<sup>th</sup> and Keystone. This corner is extremely critical and important to the residents at The Enclave. Area C has another buffer regarding the height that will alleviate a lot of concerns by extending the area off of Auman Drive two rows deep to strictly residential as well as the height requirements.

Jerry Chomanczuk asked about the maximum height of the buildings—4 stories, 7 stories?

David Leazenby stated that the maximum height is over the entire district—every section would return to the Commission for ADLS review and whatever would be necessary for what would actually be built on that site—nothing would ever be over 100 feet.

The Committee then continued with the review of the clean, red-line PUD Ordinance.

Matt Griffin stated that Scott Brewer, Urban Forester, has been working with the petitioner on getting into writing the landscape standards and bufferyards in accordance with the various neighboring uses. Most of the Engineering comments have already been reviewed in terms of traffic and the traffic study. At this stage, we are here to add content when necessary and to take notes for the balance of the PUD. The petitioner has the Department's comments on the PUD.

Leo asked if the petitioner could go over the language on Page 2 that has now been modified and describe it relative to the phasing and access.

David Leazenby responded that conceptually, the language has not changed although total acreage has been added so that it is more specific. The idea of it has not changed substantially from the last meeting. The idea is that 50% of the real estate could be developed as it is today, given additional access to Auman Drive and 126<sup>th</sup> Street, of course. The remaining 50% of the development could be built after one access is obtained—either Keystone Avenue or the Carmel Drive connection to the south.

Matt Griffin asked if there were a situation where the apartments remained, the developer would be able to develop up to 30% of the property before the levels of service dropped (in the traffic report) —could we get that verbiage in the PUD?

David Leazenby responded that the conceptual language has not changed from the last meeting. The idea is that 50% of the real estate can be developed as it is today, given the additional access at Auman. The additional, anticipated access at Keystone would mean that the balance could be developed.

Steve Fehribach commented that if 50% of the units were built under this plan, you could still operate the apartments and 50% of the units. Also, because of the data, neighborhood uses could be incorporated—not destination retail uses, but neighborhood uses within the site.

Leo said he had lots of comments on page 3. In Use Area A, the only permitted uses would be residential ownership—no apartment rentals—is that defined somewhere?

David Leazenby said that this is defined in the Use Table, Area A, apartments are no longer allowed in Area A—only residential uses are permitted.

Leo referred to the last meeting and reiterated that 30% of anything other than residential such as institutional uses, educational uses, all of those would be included in the 30% rule.

David Leazenby said they would like to keep things in the 30% like recreational, miscellaneous, temporary uses, and a hotel—things like that which are not retail-like but not office-like.

Leo said the intent is to keep the entire project residential in nature and limiting everything else—making sure that the residential category is at least 70% of the total gross floor area. Retail, educational, institutional, office—none of those is residential in nature. Within Use Area

B, a minimum of 70% of the gross floor area shall contain uses such as are listed in Exhibit F in the category title “Residential Uses.”

David Leazenby said that things like park, or parking garage are not uses, per se, and they are included in the Use Schedule as temporary uses.

Leo Dierckman said he had no problem with the Temporary Uses.

David referred to the categories of uses in area B as recreational, miscellaneous, temporary, and transportation and communication.

Leo: Area B includes transportation, communication, co-located antennae, radio or television studios, wireless telecommunications antennae, and all must be hidden. The Areas would then be: Residential, Temporary, Miscellaneous, and Transportation/Communication—recreational is not on the list.

David—what about public parks?

Leo said he has no problem with public parks and could list it specifically, if wanted. Use Area C—the same residential, temporary, miscellaneous, transportation or a public park would be the 50%--the other 50% would be commercial. Overall, the entire site would be residential in nature—that means the whole site is greater than 50% all residential.

Page 4, the perimeter transitional area would consist of the first two rows of buildings. The next thing interior to the transitional area would be the third and fourth rows of buildings. The western, northern, and eastern property lines are now 15 feet—previously the northern property line on 126<sup>th</sup> Street was a 10-foot setback.

On Page 5, section 5 through 10 is pretty standard with PUD’s previously drafted—Jim Shinaver concurred.

Leo noted that currently, construction activity would go to 126<sup>th</sup> Street because of no access to East Carmel Drive or Keystone. Once access is gained to Carmel Drive, there should be a stipulation that construction traffic will be directed to the entrance onto Keystone rather than onto 126<sup>th</sup> Street. Once these access points are available, Gramercy will use those points to eliminate the impact on 126<sup>th</sup> Street and Auman Drive.

David Leazenby did not see a problem with that but would check with the Engineering Dept. for approval.

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Matt Griffin said that the Engineering Dept. does have a preference of 126th Street. If there were a way to split the construction traffic when the other access points open up, that would be a discussion.

Leo asked that this be discussed; construction traffic along 126<sup>th</sup> Street would create dust and truck traffic for residents of The Enclave.

David Leazenby stated that the Engineering Dept would dictate where the construction entrance would occur.

Mike Hollibaugh and Matt Griffin agreed that the preference would be construction access on 126<sup>th</sup> Street, but maybe this could be split when the development is partially built. Matt will talk with the Engineering Dept. and confirm.

David Leazenby said that assuming there is a cut onto Carmel Drive, Gramercy would be coming in with a plan to develop. The street would come up, and Gramercy may still be building homes to the north while the retail center is being developed as well. At that point, we may not always want construction traffic going through there—the construction entrance may rotate depending upon completion of development stages.

Leo Dierckman added that minimization would be the best. The Secondary approval and Primary Plat approval will contain usual language. The Violations and Definitions sections are standard, although some definitions have changed.

David Leazenby noted that since the last meeting, some definitions have been streamlined. The building height, for instance, is matched, “existing development” was removed, the parking lot definition has been streamlined; there was already a definition for private parking areas in the City Ordinance.

David Leazenby referred to the definitions on page 14.21, “Parking Structure, Commercial” and said this has now been revised. Before, there were several definitions, now revised, there are two different types: a parking lot that could be a pay lot (should not be encouraged) and the second is a parking structure commercial, parking garage built for people to pay to park on a temporary or long term basis and would be allowed in C but no longer in B. The parking structure-private, is a parking garage that is not separate and apart and goes along with the building—allowed in B and C. The words “Private Parking Lot” were stricken because there is already a definition in the City that refers to a parking area as being a portion of the home lot.

Matt Griffin had comments regarding page 8. Matt read from the City Ordinance regarding the definition for minor alteration and substantial alteration.

David Leazenby said he understands the sensitivity of transitioning to the core. Is there some mechanism down the road for the corner of 126<sup>th</sup> & Keystone? No one would want to live there.

Leo Dierckman said that this corner is to be residential with the 35-foot limitation.

Public Input:

**John Sullivan**, The Enclave, referred to Article 8 of the Rules of Procedure and said the petitioner was not specific for the corner of 126<sup>th</sup> Street and Keystone and therefore the committee refused to approve anything for this corner. We are not saying that these apartments (Mohawk) should be here forever; we don't want schools or a mortuary, we don't want school buses, and we don't want a 100-foot wall. We want the entrance to Gramercy moved about 200 feet—we probably won't get it, but we are not going to stop yelling for it and insisting on it. We want to be able to turn left onto 126<sup>th</sup> Street from The Enclave. Mr. Sullivan took exception to the reference of the lot in The Enclave as being vacant—there are trees there 6 months a year and the lot is for sale. Once the construction on Gramercy starts, this will be a hard sell. Also, directly across the entrance to Mohawk, there are five houses that look directly at the Gramercy project and they should not be required to look at a 100-foot wall—we shouldn't have a stop and shop directly in front of the entrance.

**Angie Molt**, 740 West Auman Drive—wanted to draw attention to the current zoning versus what is proposed. From the last meeting, the building height went from 30 feet on our line to 35 feet; it was 45 feet, now 50 feet. We waste a lot of time going over the same items with minor changes. Ms. Molt wanted the changes to stay in place as they are, the height dropped to 30 feet where it was, 45 where it was before. It is time to quit playing—we have been here for a month and we need to move forward.

Leo Dierckman explained that the height changed because the definition changed.

Ms. Molt wanted the current zoning to stay in place and requested clarification on the opening into Auman Drive. Ms. Molt did not want to see any opening to Auman until access was open to Keystone. Ms. Molt wanted to know if the side yard and rear yard setbacks would be adjusted as the height is increased. Auman is on a 60-foot setback—the proposal is for 15 feet. Ms. Molt asked for a clean copy of the PUD so that she could study it and respond in order to address the issues.

**Karen Carter**, 918 East Auman Drive, expressed concern with the current map and streets onto East Auman Drive. Will there be one street in and one street out? For the high volume of children in the neighborhood, this road is very dangerous. Ms. Carter said she would rather see one street in—one street out, one at the bottom—one at the top. It would be safer for cars to enter from one direction and exit another direction.

Leo responded that the traffic engineers preferred 4 curb cuts into the Auman neighborhood because it would eliminate a lot of the traffic on any one given curb cut and is better for traffic circulation. The petitioner has already agreed to eliminate “direct shots” and to install traffic calming devices.

Steve Fehribach stated that the south drive with the wire median does not add volume and it slow traffic because of the angle. Traffic calming devices can be a series of stop signs, planters, medians, anything visual and physical will slow traffic to 15 to 20 mph. There could be several different sets of traffic calming devices.

David Leazenby said that a few traffic calming devices were shown along Auman Drive—even so, this is still a concept plan. From the three northern streets, Napanee, Winona, and Ute there would be a boulevard treatment and you wouldn’t get a straight shot from Shoshone to Range Line.

Matt Griffin said there would also be a couple of 90-degree turns and a really low intersection—it will dissuade people from taking a shot out of the neighborhood.

**Rick Osborne**, Auman Drive West, said there are only two exits now out of Auman Addition; with four entrances, traffic will increase or speed up. Why four entrances into the neighborhood? How do you resolve introducing such high uses into a residential area? This same question was asked of the Mayor—his response was that this was a philosophical question—this still has not been addressed.

David Leazenby said they have done computer simulations of how this would look and to lessen the impact at the edges; it is difficult to get the transitions right. The recent change is 35 feet in height all around the perimeter. Some of the renderings are less intense.

The petitioner is working hard to make the requested changes and receive a recommendation from the Plan Commission as soon as possible.

### **Design & Development Standards.**

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Christine Holmes suggested that the parks throughout the area be more pedestrian friendly and walkable—there should be a greenway throughout the development for accessibility and connection to the parks. A linear park could connect all of the pocket parks without having to go into the right-of-way.

David Leazenby said the intent was not to link all of the green spaces—the neighborhood would be linked by a network of open spaces. There is no dedicated path.

Leo Dierckman liked the concept but said it is not defined as such. Leo asked the Department to devise language for a linear park that would connect the green spaces.

Jerry Chomanczuk asked about the public park that is planned for the development.

David Leazenby said the planning is in the early stages and this is still a concept plan. At this point, the park would be private and maintained by the HomeOwners Association.

Leo stated one of his concerns which is the degree of the conceptual plan and the definition as to the range and square feet, etc.

David Leazenby said the plan was based on David Oliver's original layout for the plaza. Since then, we have looked at it in more neighborhood terms. The original plan was for London, but it would be smaller than that in Carmel.

Leo Dierckman asked for a commitment on the size and wanted it “nailed down;” the petitioner was agreeable.

Christine Holmes asked about the clock tower—what goes in around it—what is the range of height, etc.?

David Leazenby said he would put some text to it—it was drawn and scaled at 95 feet. The petitioner will craft some language.

Matt Griffin asked if there were any way to specify that the clock tower would have an observation deck for a public viewing area—it would be a great amenity. The petitioner is to look into that.



Jerry Chomanczuk commented that the maximum height is 100 feet—are most of the buildings 4 stories?

David Leazenby stated that the renderings show 4 or 5 story buildings around the tower. There is a question as to what is the appropriate height for Gramercy. The City Center height maximum is 130 feet; the petitioner is hoping for 110 or 120 feet and has been scaling down to 100 that still allows for flexibility. 100 feet is a comfortable number for now, however, it may change later.

Leo Dierckman asked about the lighting plan—is a 35-degree cutoff acceptable?

Matt Griffin responded that a full cutoff is 90 degrees; the lights would be shielded downward. With 35 degrees, the shield is opened up and lighting cast out.

Leo Dierckman requested that the light plan conform to a 90-degree cutoff.

Christine Holmes commented about the on-street parking and the traffic circulation—some sections almost contradict each other. If on-street parking can be counted toward the parking requirements, it raises the possibility of “double-dipping” and the parking is counted twice. This could be resolved by limiting the amount of parking for the businesses overall and reduce the amount of parking permitted in a certain area for business. It is uncertain whether or not on-street parking will be counted toward any parking requirements.

Matt Griffin responded that the City allows counting 2 of every 3 spaces—a percentage is allowed as counting toward the parking.

David Leazenby said they had used the Old Town Ordinance as a guideline.

Matt Griffin brought up the landscaping section that should cover some buffer yards between Gramercy and the adjoining properties. The street trees are referred to by the Carmel Ordinance and that puts the ball back in our court to regulate.

David Leazenby said that the PUD Ordinance recites a 15-foot setback from the property line. We will continue to follow the recommendations from Scott Brewer, Urban Forester for species of trees, etc.

**Signage:** No Changes

Matt Griffin asked for clarification on the open stretch of ground as opposed to sidewalks or paths that are specified under the Ordinance. The Department is looking for connectivity via some type of link.

David Leazenby said the petitioner will add additional language and tie together with the linear park language as stated earlier.

David Leazenby referred to page 10 of the PUD—the terms secondary street and primary street will be eliminated. The first floor plan to 1.6.2 will now read “A parking lot shall be located to the side or rear of the building,” period.

Matt Griffin expressed concern with Section 1.8.3, originally stated by Madeleine Torres. The concern was the clutter of news racks and whether or not there was a possibility to require the larger news racks that hold multiple newspapers as opposed to the individual paper.

David Leazenby said the news rack will not be the standard issue Indpls Star box—the petitioner will clean up in the language and be more specific.

## **Section 2, Fences, Decks and Screening.**

Leo questioned the fence provision.

Christine Holmes responded that the Ordinance provides for a fence height of 3 ½ feet in front of the building line and 60 inches behind the building line. If there are any fences at all, it should be re-phrased to match the Ordinance or just eliminate fences altogether. See Accessory uses in the Carmel Ordinance.

David Leazenby referred to the Auman Drive area residences—they may want privacy fences for screening. David Leazenby said he would stick to the standard language in the City Ordinances, especially regarding height.

Roofing, Page 2.2.3—the roofing style is not called out and depending on the style of house, it might be appropriate to tighten this up, architecturally.

Windows, Shutters, 2.3—are the faux windows spandrel glass or would that be done with shutters within a frame?

Entrances—nothing further.

Gutters, downspouts, accents, projections, balconies, awnings, -- glass awnings? Not really.

**Outdoor Dining**—the area for dining projecting into the right of way is to be clearly specified. Depending on the location, the maximum allowable or a minimum remaining **amount of right of way** should allow for 8 to 10 feet width of passageway. 10 feet is fairly standard in most urban areas. Language will be added for clarification.

David Leazenby said that the petitioner would like to return to Plan Commission at the May meeting. This was deemed not possible, and an additional meeting was scheduled.

The next meeting will be **Thursday, May 18 at 6:00 PM**. The petitioner will submit new draft documents by May 10<sup>th</sup> so that comments can be submitted and addressed prior to the next meeting.

Following a short recess, the meeting continued with the business at hand.

**2. Docket No. 05110020 DP/ADLS: Old Meridian Place**

The applicant seeks to create 129 townhomes and a mix of office and retail uses on 25 acres.

The site is located at 12852 Old Meridian Street and is zoned OM/SFA.

Filed by Jon Isaacs for Centex Homes.

Jon Isaacs, Centex Homes, appeared before the Committee representing the applicant. The rezone portion for the northern piece of this parcel is currently at the City Council level. The petitioner met with the Dept. a few weeks ago to talk about some of the issues. Basically, there are construction issues at this point. The petitioner will be going before the TAC committee on May 17. The other issues referred to architectural design.

Regarding the architectural style of Building 4, the Committee generally had favorable comments. Additional windows were added to the first floor. Landscaping was also added to the front elevation.

Regarding Building 5, the concern was the front elevation—the petitioner has added windows all along the front. The last piece of architecture concerned the style—Georgetown Townhomes—the committee thought this was over-done. Centex has been working to find other alternatives. The modified version has front porches and the design is continuing to evolve. It could be that Centex will be back with a different product and request an ADLS Amend.

Matt Griffin asked for an overlay of the product and product selection II. The petitioner agreed.

Jerry Chomanczuk asked the price points of the project.

Jon Isaacs responded that if there is a way to split the two different products, there will be two different price points. At this time, the Centex typical Georgetown Series is running anywhere from \$200, to \$300,000. We could introduce a product that would be a step down from that as far as townhomes are concerned. But, based on land costs and costs of construction, it would be difficult to create a large spread in the price.

Matt Griffin reported that this item has been to TAC once, and comments were withheld until a full, finalized plan was submitted. Engineering comments are needed as well as comments from the County and Scott Brewer, Urban Forester. The Department is requesting that this item go to TAC next available—if it matriculates back to a Committee before it hits the Plan Commission, that is OK. If this Committee does not want to see it again, it will be on the next available Plan Commission slot, barring anything unforeseen out of the TAC meeting.

Jim Shinaver was agreeable to going before the TAC committee May 17<sup>th</sup>. If an unusual issue occurred that required some sort of revision that the Committee would want to look at, we would have time to go to Committee on June 6<sup>th</sup>. Otherwise, we would appear at full Plan Commission in June.

Matt Griffin concurred. After the May TAC meeting, there will be a lot of work for the petitioner to have the landscape plan approved and have Engineering comments addressed prior to the meeting. The Commission will not want to approve this item with conditions. Effectively, if the petitioner is not ready for the Commission meeting, they will be stuck in limbo. There is no reason to put this item on the Committee Agenda again unless there are some outstanding issues to be discussed prior to moving it forward.

Leo suggested that the petitioner send the rendering to the other Special Studies Committee members with a cover letter. The rendering should include a cover letter stating that the rendering is what was agreed to and if they have any comments, please submit. The overlay should be included as well as the map that shows the Georgetown Series section and others.

Jim Shinaver was agreeable and said he would send it to the Department for submission.

Leo Dierckman made formal motion to forward **Docket No. 05110020 DP/ADLS, Old Meridian Place** to the full Plan Commission on **June 20, 2006** with a positive recommendation,

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subject to the other Committee members' approval of the elevations, and subject to the petitioner's appearance at the May 17<sup>th</sup> TAC meeting and TAC issues being addressed, seconded by Jerry Chomanczuk, Approved 3-0.

**3. Docket No. 05120026 Z and 05120027 DP/ADLS: Village Green PUD**

The applicant seeks to rezone 9.42 acres from R2/Residential to PUD/Planned Unit Development for the purpose of creating 50 townhomes.

The site is located 211 W. Smokey Row Rd.

Filed by Jim Shinaver of Nelson and Frankenberger for Bay Development Co. and Drees Premiere Homes Inc.

Jim Shinaver, attorney with Nelson & Frankenberger appeared before the Committee representing the applicant. Also in attendance: John Talbot, Drees Homes; Bruce Sklare, Bay Development; Jud Scott, Vine & Branch.

The issues are spelled out in the Department Report, and some of those have already been dealt with. A tree inventory overlay has been delivered to Scott Brewer and the Department. A revised site plan showing the extension of the pedestrian path along Smokey Row Road has been submitted—the Engineer's plans have also been revised to reflect this extension.

The petitioner has been in discussion with the Department of Engineering as well as DOCS as it relates to the issue of up-grades to Smokey Row Road. The petitioner has submitted a copy of a proposed commitment that relates to this particular item and DOCS was comfortable with the proposed language.

An approved landscape plan has not yet been submitted—the understanding is that John Lapp, Landscape Architect and designer, has been working with Scot Brewer and has submitted numerous plans that have been “tweaked.” As it stands today, all of the revisions that have been requested have been incorporated into the plan and submitted to Scott Brewer as well as DOCS. There are no major outstanding issues remaining with the landscape plan.

The petitioner believes that all major concerns have been addressed and the Department is comfortable moving forward at this time. The issues remaining are those that would normally be addressed at the Secondary Plat stage. It is understood that building permits or secondary plat approval cannot be obtained without any remaining issues being resolved.

From a committee standpoint, there was discussion regarding the rear of the homes facing the Monon and what could be done to address that elevation. Revisions have been made based upon

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comments heard by the Committee.

At the last meeting, it appeared that all issues were close to being addressed. At the public hearing, members of the public asked whether or not a wetland study had been done and the status of the property. Wetlands studies are often done at secondary platting and if an issue exists, there is a definite procedure that includes working with IDEM and the Army Corps. of Engineers to classify those and determine how those can be addressed. John Talbot looked into the wetlands situation; Jeff Moody of Williams Creek prepared a study and submitted it to the Staff. What was found is that there are some small wetland areas –there is a portion that is approximately two tenths of an acre in size located in the area that would actually undergo some development. Jeff Moody has also been in contact with IDEM and with Army Corps. because there are mitigation alternatives that are customarily employed and that could be addressed at secondary plat.

Jim Shinaver went on to say that the issue of locating the small wetlands area is not unique, it is something that in development, as a Committee, and as a Plan Commission has been seen. When this type of issue comes up, the City of Carmel does not have jurisdiction. The City then typically will not issue a secondary plat approval until there is a comfort level with the other jurisdictions that regulate this.

Department Report, Matt Griffin: As of today, the petitioner has submitted all of the requested information for review – Scott Brewer’s landscape issues have now been addressed; the pedestrian path does appear on the revised plan; the commitment for upgrades to Smokey Row Road is acceptable to the Department. The tree inventory has been received by Scott Brewer but not yet reviewed by the Department. An up-date to the tree inventory was received—which are being maintained, and which are coming down because of health reasons.

Jim Shinaver addressed the Committee and reported that Jud Scott and Scott Brewer had walked the site and there was dialogue between them as to which trees would be saved. The tree in the southwest corner, the huge Sycamore, was looked at and discussed at that time.

Matt Griffin noted that the materials were requested at TAC in February, and should have been available prior to this meeting. The last bit of requested materials was received today.

Jerry Chomanczuk commented that that was one of the problems he had with giving approval today. Some of these studies are just being submitted today, and it is questionable whether or not anyone has had time to review it. This information should also have been available in the public file for review and that has not occurred. In essence, we are getting this at the eleventh

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hour. The Department Report lists several outstanding items that had not been received at the time the report was published.

John Talbot, Drees Homes addressed the Committee. Some of these items have been addressed on multiple occasions. At the last meeting, two weeks ago, we were asked to do the tree inventory and the wetlands study; we agreed to do that, although they are not required. There was no request for a tree inventory in January. Additional information was requested, and that was provided today—not the entire tree inventory. The landscape plan had an email blessing on April 12<sup>th</sup>, prior to the last meeting. Mr. Talbot asked that this Docket be forwarded to the Plan Commission and if an issue comes up before then, we will address it.

Jim Shinaver's understanding was that the Staff and the Committee were not requesting a tree inventory and wetlands study—it was being requested by some members of the public in attendance at the public hearing; the request was made by the public, not by staff.

John Talbot said that Commission member Susan Westermeier had requested the wetlands study and tree inventory was made at the last meeting.

Jerry Chomanczuk again reiterated that the information was coming in at the last minute—there is no confidence that the Urban Forester has had an opportunity to review this information. There was also an issue raised regarding the traffic study.

Mr. Talbot said the traffic study was done prior to the Plan Commission meeting.

Leo Dierckman noted that the traffic engineer and the City Engineer had looked at this—ultimately we have to rely upon the hired experts to percolate all of the information.

Matt Griffin confirmed that the tree inventory and overlay on the site plan were requested by Susan Westermeier—she wanted to see what trees were coming down and how the site fit onto the existing context. Regarding the wetlands delineation, yes, wetlands have been identified, but it is a very technical process in terms of mitigating those and we must defer to the governmental bodies that regulate and check those after mitigation. The petitioner would be at the mercy of the State and DNR in terms of how that is handled. At this stage, everything in the Department Report has been addressed—the only thing that did not transpire is that Susan did not get to see a copy of the overlay of the site plan and tree inventory; there is a copy in the master file for review.

Leo Dierckman said he hesitated to move this Docket on, since the request for materials was

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from one of the Committee members.

Matt Griffin responded that this item could be placed on the next special meeting, touch base with it, and send it on to the next Plan Commission meeting in June.

Jim Shinaver was concerned with the timing—an email had been received from Scott Brewer on April 12 saying that he was comfortable with the landscape plan, yet it was still on the report. In following-up with Scott, he had some other comments that he wanted addressed.

Matt Griffin noted that in the April 12 email, Scott said he still not been provided with the tree inventory information but you did talk about providing two different plans that combine the different pieces of information—“we can get there.” Yes, the petitioner had addressed everything, but Scott was still waiting for the tree inventory information—it was not fully resolved.

John Talbot responded that the reason there are two different reports is that a tree assessment has been done, and there was confusion as to what is a tree assessment and what is a tree inventory. We finally said we would do a tree inventory and put this thing to bed.

Jerry Chomanczuk said the petitioner had done his homework, but it was late for review. Susan Westermeier should be given an opportunity to review, since she had requested some of the materials.

John Talbot commented that going to the June meeting would be an extreme hardship on the project. If the things being asked for were required as a part of the Ordinance, we would have done them in November.

Jim Shinaver said it is important because of the timing—Bay Development has the land under contract and there are certain timeframes within which certain approvals must occur or there is a contractual problem. This is not necessarily a concern of the Plan Commission, but it is the reality of this situation.

Matt Griffin reported that the key staff that was to review each component of this project has done that and sent it back with information that it is acceptable as proposed and submitted to them. Keep in mind that this is also a rezone, and its “day in court” is not over after Plan Commission—it will go on to City Council as well.

Bruce Sklare addressed the Committee to say that one issue has not been discussed at all and that

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is the building themselves. The petitioner has gone through a major process to make sure the townhomes do not look like what has come before. These townhomes are not the same old thing—we have agreed to do brick on the rear, they are extremely handsome buildings. Besides trying to be good stewards of the land and do the tree assessment and wetlands assessment, we have also made major efforts on the building themselves—this is a new way to look at townhomes in Carmel.

Members of the public were invited to speak at this time.

**Jenny Chastain**, 511 Second Ave NE, Carmel, stated extreme concern that information the Plan Commission has asked the developer to present has come in at Noon on the day of the meeting. We have been monitoring the public file and all of the information—there has been no change to see the information before the meeting. There is an urgency on the part of the developer, but the information has not been forthcoming—now there is a rush to get this through.

There is a major concern with traffic. The analysis is three pages long—the Department Report March 07 stated unresolved issues and concerns including the fact that traffic study counts were taken on June 28, 2005 when school was not in session; the petitioner was asked to be prepared to explain how the study findings may be different during the school year. March 30<sup>th</sup> Dept. Report states unresolved issues concerning the following: Traffic study counts were taken on 6-28-05 when school was not in session. We attend every meeting and we take notes—this information in the City file backs us up that information was asked for on the traffic and the only report in the file is still June 28, 2005. Again, the three pages that were the meat of the matter in the presentation is all that is in the file—I made a breakdown of it—but it doesn't tell us a whole lot. It makes references to roundabouts at Smokey Row and Range Line, if a turn lane is built on a certain location, and a map for the scope of traffic study says that the scope of work was 136<sup>th</sup> Street and Range Line Road, done in June, 2005 when school was not in session—the other scope of work was the intersection at 131<sup>st</sup> Street and Meadow Lane. What we do not see on here are the major intersections of concern which would be Smokey Row and Old Meridian, 136<sup>th</sup>, and Meridian Street—this is not addressed in the traffic study. We also have concerns about Keystone and Smokey Row because a lot of the traffic will go that direction, right past the school and this area has not been addressed. The two areas referenced are low traffic areas—131<sup>st</sup> and Meadow Lane—and Smokey Row and Range Line when school was not in session.

At the March 30<sup>th</sup> Committee meeting, a new traffic study was suggested by a Commission member; this was not addressed in April. When the petitioner has been repeatedly asked by the Plan Commission to re-do a traffic study and provide information, and the request is ignored as well as major intersections in the scope of work—that is a problem. The traffic study is a major

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issue.

The petitioner also down-played the wetland studies. The Committee requested the study, the petitioner hired someone to do it and they found wetlands—whether small or large does not matter and now you are trying to push this to the next level. There should be a bound-binder copy of the wetland study, 20 to 28 pages, that tell where the wetlands are and all the details. The study has not been presented to the Committee and is not in the file for public review.

**Curt Janeke**, 146 Old Grayce Lane (Carmel Residents for Historic Preservation). Curt Janeke said he had looked at the tree study—the last two pieces that came in today are specifically marked with the trees that need to come down because of their condition. It looked as if Scott Brewer had requested the tree inventory in March. Vine & Branch provided the following to Scott Brewer: The trees are measured at diameter at breast-height—4 ½ feet from the ground—53 trees over 12 inches; 17 trees over 24 inches; 3 trees over 48 inches at chest height—there are two, gigantic sycamore trees on the site. We are not against development, we are against development that does not make a lot of sense. This land is a very special urban forest that runs along Little Cool Creek and is one of the last sections of urban forest in this area—the other two sections are currently a park. One of the things that came up is the tree grading. The trees were graded on what is good, what is bad, and what needs to come down.

Curt Janeke said this rezone does not make sense because at the existing density at which it could be developed, the healthy trees could be preserved and the land could be used more wisely. It makes no sense to clear the trees and put housing in to look at the apartments. Mr. Janeke said that he, too, had looked for the wetlands study and would like a chance to review it.

Jim Shinaver referred to the traffic study and said it does not appear on the current Department Report as an outstanding issue. There was an email sent by Gary Duncan, Carmel Engineering, to Matt Griffin on March 30<sup>th</sup> discussing some engineering issues. Paraphrasing, it said that the Dept of Engineering has evaluated traffic operations analysis for the proposed development dated December 2005 by A & F Engineering and provided supplements; Engineering has no issues with the analysis that was conducted or its findings. As it relates to the report's methodology, it is apparent that the traffic study was completed in accordance with accepted practice. The traffic analysis does include the traffic generated from The Arden Townhomes and Traditions on the Monon Developments. The email goes on to state that separate analysis using traffic counts obtained in August 2005 and December 2005 included one taken during the hours of school operation.

The other observation made is that we are not taking the wetlands lightly, but we also know that

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this body does not regulate how we deal with or mitigate wetlands. What this body does is guarantee that before Secondary Plat Approval is granted, this must be properly addressed with the agency that has jurisdiction. We would do what any other petitioner would do and that is agree to that requirement.

Jud Scott, Vine & Branch, 4721 East 146<sup>th</sup> Street then addressed the Committee. Regarding the tree inventory—we do this all the time and we have never been asked to do inventories until just recently. Originally there was a mention by John Talbot that we had an inventory—John mis-stated and should have said that we did a woodland analysis that is standard protocol for the Department—we do them all the time. It gives a snapshot and helps Scott Brewer see what is on the site. John mis-spoke two months ago and said we had an inventory—he meant we had a woodland analysis. At the last meeting, Ms. Westermeier asked for an inventory, we had it in the office within three days. The inventory was done and shown on the overlay of the plat. The part that was brought in today was asked for last night at about 8:00 PM. Scott Brewer wanted to know what trees were being removed in the flood plain. Two meetings ago, we did a visual tree assessment to show that many of the trees that are in the footprint of this pattern do not meet our protocol for structurally sound trees—they are what we consider hazardous trees—and no matter what happens to this property, the recommendation will be that the hazardous trees are removed by the property owner, approximately 36 trees that are unsound. There are 10 trees within the tree preservation area that are being recommended for removal because they leave the property owner at risk. Jud Scott then gave a brief rundown on the condition of the trees that would need to be removed.

Jerry Chomanczuk suggested forwarding to full Commission with the hope that the missing Committee members will be present at that time to comment on this Docket.

Bruce Sklare requested that the Committee refer this item back to the Commission for action. The property owner is following the process and there is a timeframe with him that is fairly rigid. The property owner has been concerned with the time this matter has been in Committee. We have tried not to cause a delay in the process and will respect whatever the Committee wants to do.

Leo Dierckman said it was the tree study that caused him the biggest concern. The vote will be on a matter of opinion that the petitioner has done the maximum that could be done to preserve the most amount of trees. Also knowing that this is a rezone, the public will have another opportunity for public input at the City Council level. Leo was in favor of taking a vote to move this item to the full Commission for their consideration. A lot of these issues will be addressed again and there is little we can do at this level. Some of the issues are almost a political nature

rather than a planning nature.

Leo recommended that the Commission be provided with a formal statement from Scott Brewer as to the tree inventory and a formal statement from Gary Duncan, Carmel Engineering, regarding the traffic.

Steve Stromquist made formal motion to forward **Docket Nos. 05120026 Z and 05120027 DP/ADLS, Village Green PUD** to the full Commission on May 16 with a favorable recommendation, seconded by Jerry Chomanczuk, the vote was 1 in favor, 2 opposed (Chomanczuk, Stromquist) — No Decision Vote.

**Note:** The public hearing remains open on Village Green PUD.

**4. Docket No. 06010008 Z: Midtown Village PUD**

The applicant seeks to rezone 18.82 acres from I1/Industrial to PUD for the purpose of creating mixed use development.

The site is located at 510 Third Avenue SW and is zoned I1/Industrial.

Filed by Lawrence Kemper of Nelson and Frankenberger for Centex Homes.

Jim Shinaver, attorney with Nelson and Frankenberger appeared before the Committee representing Centex Homes. Jon Isaacs, Centex Homes was also in attendance.

Jon Isaacs gave a brief recap of the PUD. This Docket has been at Committee for review for at least two months. There are two items in the Department Report that relate to Engineering issues, and those will be addressed this evening.

Regarding up-grades to Third Avenue, the petitioner has been in discussion with the Carmel Redevelopment Commission in regard to the design of Third Avenue and financial responsibility. Basically, the road plan is essentially two lanes of traffic—one lane in each direction—with on-street parking. The petitioner will again meet with Carmel Engineering on Tuesday to discuss the proposed roadway improvements. Up-grades will include the alignment of Third Avenue.

Jon Isaacs said he had talked with Scott Brewer regarding the landscape plan; there are some modifications in the Ordinance that are being requested. Jon Isaacs asked that Scott forward the modifications to him and Jon Isaacs will revise the packets and re-submit for the Plan Commission meeting on May 16<sup>th</sup>. We will solidify what the requirements are going to be.

The Carmel Engineering issues were primarily in regard to Third Avenue as well as a concern regarding the design of the Monon Trail.

Once the rezone is granted, the petitioner will return in October/November for ADLS approval. Hopefully, within six months, Carmel would have a better understanding of what is desired for the Monon Trail and how that treatment would go.

Department Comments, Matt Griffin: The Committee is reminded that this item is a rezone and would return for either a Development Plan or ADLS review. At this time, no Development Plan is being approved for this process. The Department had two outstanding issues—one is the landscape plan approval. Jon Isaacs had talked with Scott Brewer today and Scott is looking for language in the PUD and is willing to send this forward as long as he sees the language reflected in the revised PUD provided prior to the May 16<sup>th</sup> Plan Commission meeting. The only thing outstanding are the Engineering comments and they claim to have outstanding issues, one of which is the commitment to the improvements of the streets that run through this project, who is financially responsible, and how they will be designed. It seems as if the applicant is committing to making those commitments, whatever is decided upon by Engineering. There are a few other items in the list of TAC comments, but nothing substantial. Matt Griffin said he is comfortable with the petitioner working through the TAC comments prior to the Plan Commission meeting. If these comments/issues are resolved, the Department will support this project.

Jon Isaacs responded that they had asked the Carmel Redevelopment Commission for some assistance in regard to the roadway improvement plan, and it will end up being a City Council/CRC issue. One of the issues was underground utilities and the petitioner has agreed to bury the overhead wires with this particular plan—it is a question of who will be financially responsible for that. There is a lot of underground detention and we are working through those issues.

Jon Isaac reported that he has a meeting with Mike McBride, Gary Duncan, and Les Olds next Tuesday and he was hoping to make strides at that time. Jon thought he would have an update at the May 16<sup>th</sup> meeting.

Leo Dierckman recommended that the petitioner table for the May 16<sup>th</sup> meeting if he was not prepared to make commitments as requested.

Jon Isaacs was agreeable to table for the May meeting if appropriate and continue to June.

Steve Stromquist made formal motion to **forward Docket No. 06010008 Z, Midtown Village PUD** to the full Commission with a favorable recommendation, subject to the issue of the

roadway improvements being resolved, seconded by Jerry Chomanczuk, Approved 3-0.

**5. Docket No. 06030003 DP Amend/ADLS: REI Medical Office Building**

The applicant seeks to build a 2-story, 34,000-square foot medical office building on 7.54 acres.

The site is located at 11911 North Pennsylvania Street and is zoned B-6/within the US 31 Overlay.

Filed by Joseph Scimia for REI Real Estate Services, Inc.

Roger Kilmer, Land Use Consultant with Baker & Daniels appeared before the Committee representing the applicant. Also in attendance: Jeremy Stevenson, REI; Brent Davis, Architect.

The Department Report refers to three open items. The petitioner has now received comments from Scott Brewer and the landscape plan will be revised to coincide with those comments. There are details that will be added to the drawings. A revised site plan indicating bicycle parking will also be provided at the next Committee meeting.

Regarding the revised elevations, specifically the façade facing Pennsylvania Street, the orientation of the building, at least from the vehicular drop-off is actually on the west side of the building and is the interior of the site. This then puts the façade that is facing Pennsylvania as the rear of the building; however, this will be the primary or front façade to vehicular traffic. This does create a slight juxtaposition. The comment was to see this façade dressed up with more of a presence. The building has been looked at and some changes made.

The petitioner has introduced a larger glass feature on the façade hoping to make it more prominent and more pleasing. Because of the existing building, the site does not lend itself to the orientation of the building toward Pennsylvania with the main drop-off on the Pennsylvania side. Also, the petitioner is very conscious of the build-to line that is in place on Pennsylvania Street. If the building were re-positioned, the only thing meeting the build-to line would be the front edge of the canopy.

At this time, there is no pedestrian entry—there would be no sidewalk leading up to the building, although there would be sidewalks on both the north and south ends.

The Committee requested brick displays and color samples for the full Commission on the 16<sup>th</sup> of May.

Jerry Chomanczuk asked that Leeds principles be adopted for this project, wherever possible.

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There are elements that can be introduced that are not real costly—we need to be making an effort.

Department Comments, Christine Holmes: A door should be incorporated into the east façade. The Department would like to see access, some type of ingress/egress from the building to the path. A bicycle rack would be good.

The petitioner stated that a door to the rear would serve no purpose—it would be a rear door that goes nowhere—there is no parking at the rear and would not be a main public access. The petitioner has made some strides, but not going all the way for a Leeds certification.

Gary Duncan is requesting a response to his comments made at the TAC meeting.

Docket No. 06030003 DP Amend/ADLS: REI Medical Office Building was continued to the June 06, 2006 Committee meeting.

**6. Docket No. 06030008 Z: 1003 E. 106th Street Rezone**

The applicant seeks a rezone from R3 to B5 to allow neighborhood scale office/commercial use.

The site is located 1003 E. 106<sup>th</sup> Street and is zoned R3 Residential/within the Home Place Business District Overlay.

Filed by Michael Godfrey of Brunson and Company.

Tabled to June 6, 2006

There was no further business to come before the Committee and the meeting adjourned at 10:25 PM.

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Leo Dierckman, Chairperson

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Ramona Hancock, Secretary

